

REMARKS

Claims 1-29 currently are pending in the application. Claim 29 is new. No new matter has been added. Reconsideration is respectfully requested.

Rejections Under 35 U.S.C. §102

Claims 1, 3, 5, 7-8, 10, 12, 14-16, 18-19, 21 and 28 have been rejected under 35 U.S.C. §102(b) as being anticipated by Lau et al. (U.S. Patent No. 6,066,168). Applicants respectfully traverse. The present invention claims are distinguishable over Lau et al.

With respect to rejected claim 1, the Examiner states on Page 2 of the Office action that "at-least one bar arm interconnecting a peak of each large amplitude undulation with a valley of a small amplitude undulation is non-linear (Figs. 5 and 12)." Applicants respectfully disagree with the Examiner's contention. Upon inspection of Figs. 5 and 12 of Lau et al., it is seen that each bar arm connecting a peak of a large amplitude undulation to a valley of a small amplitude undulation is linear. Despite the cylindrical ring 12 being made up of a plurality of nonlinear structures such as U-shaped members 31, W-shaped members 32, and Y-shaped members 33 (see column 6, lines 7-20), when the ring 12 is examined as a whole, one sees that the peaks and valleys of the undulations created by the U, Y and W-shaped members are connected only by linear bar arms. In contrast, claim 1 recites that at least one bar arm interconnecting a peak of each large amplitude undulation with a valley of a small amplitude undulation is non-linear. Accordingly, the Lau et al. reference does not disclose each and every feature of the claimed invention. It is respectfully requested that the rejection under §102(b) in view of Lau et al. be withdrawn as to claim 1 and the claims dependent therefrom.

With respect to rejected claims 5, 16 and 25, Applicants respectfully disagree with the Examiner's statement at page 2 of the Office action that "Lau et al. disclose at-least

one link (32) is non-linear." In Lau et al., the reference numeral 32 refers to a W-shaped member. This member is structurally a component of the cylindrical ring 12 (see column 6, lines 11-19; Fig. 12) and does not function as a link for interconnecting adjacent cylindrical rings. Rather, Applicants respectfully point out that the cylindrical rings in Lau et al. are joined by interconnecting elements 13 (see column 4, lines 24-28; column 5, lines 33-63; Figs. 4 and 5-11). However, these interconnecting elements are linear. In contrast, claims 5, 16 and 25 disclose a non-linear link connecting each cylindrical ring to an adjacent ring. Accordingly, it is believed that Lau et al. does not disclose each and every feature of claims 5, 16 and 25 and the rejection should be withdrawn.

With respect to rejected claims 7 and 26, Applicants respectfully disagree with the Examiner's statement at page 2 of the Office action that "Lau et al. disclose the link has a U-shape (see column 6, lines 7-20)." The U-shaped member (31) in Lau et al. refers to a component of the cylindrical ring 12 and is not a link which interconnects adjacent rings. As stated above, the rings in Lau et al. are joined by linear interconnecting elements 13. In contrast, claims 7 and 26 provide for a U-shaped link. Accordingly, Lau et al. does not teach each and every feature of claims 7 and 26 and the rejection should be withdrawn.

With respect to rejected claims 10, 15, 18, 19, 24, 27 and 28, Applicants believe these claims are now allowable in view of arguments made in support of rejected claim 1 as they depend directly or indirectly from claim 1.

Rejections Under 35 U.S.C. §103

Claims 2, 4, 6, 9, 11, 13, 17, 20, 22 and 23 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Lau et al. (U.S. Patent No. 6,066,168) in view of Fischell et al. (U.S. Patent No. 6,190,403). Applicants respectfully traverse.

Claims 2, 4, 11, 13, 20 and 22 recite a non-linear bar arm having an S-shape interconnecting a peak of a large amplitude undulation with a valley of a small amplitude undulation. As stated above, Applicants contend that each bar arm connecting a peak of

a large amplitude undulation to a valley of a small amplitude undulation in Lau et al. is linear. Furthermore, the S-shaped structure in Fischell et al. is a link used to interconnect adjacent sets of strut members (see column 3, lines 27-30) and not a bar arm for interconnecting a peak of one undulation to a valley of another undulation within the same strut member as in Lau et al. Thus, one skilled in the art would understand that the linear bar arm in Lau et al. and the S-shape link in Fischell et al. are completely different structures and therefore would have no motivation to modify the linear bar arm of Lau et al. by adding the S-shape link taught by Fischell et al. to derive the present invention. Accordingly, it is urged that the rejection of the claims in view of Lau et al. and Fischell et al. be withdrawn.


With respect to rejected claims 6, 9, 17 and 23, Applicants believe these claims are now allowable in view of the arguments made above.

With respect to new claim 29, it is pointed out that this claim incorporates all the limitations of claim 1, which is patentable in view of the arguments above. Accordingly, new claim 29 is also patentable.

In view of the foregoing remarks, it is respectfully urged that the claims are distinguishable over the prior art of record. Reconsideration is respectfully requested. The undersigned can be reached at (310) 824-5555 to facilitate prosecution of the application.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By: 
John S. Nagy
Registration No. 30,664

JSN:LVM/dmm/jeb

Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696
Customer No. 24201